

Application No. 10/072,748
Amendment dated April 30, 2004
Reply to Office Action of January 30, 2004

REMARKS

As an initial matter, the title has been amended by removing the phrase “AND APPARATUS” as suggested by the Examiner to read:

METHOD FOR PROVIDING A WEB OF THERMOPLASTIC FILAMENTS

Claims 15-25 are pending. Claims 15, 18, 21 and 22 stand rejected as being anticipated according to 35 U.S.C. § 102(b) by U.S. Patent 5,225,018 to Zeldin et al. (Zeldin ‘018). Claims 15-19 and 21-23 stand rejected as being unpatentable according to 35 U.S.C. § 103(a) by Zeldin ‘018 in view of U.S. Patent 5,292,239 to Zeldin et al. (Zeldin ‘239). Claims 20 and 24 stand rejected as being unpatentable according to 35 U.S.C. § 103(a) by Zeldin ‘018 in view of Zeldin ‘239 and further in view of U.S. Patent 5,397,413 to Trimble et al. (Trimble). Claims 17 and 18 have been cancelled and therefore, claims 15-16 and 19-24 are at issue.

Applicants respectfully request reconsideration of the rejections in view of the amendments to the claims and the following arguments.

35 U.S.C. § 102

Claims 15, 18, 21 and 22 stand rejected as being anticipated by Zeldin ‘018. As an initial matter, Zeldin ‘018 was well known to the Applicants as evidenced by the detailed discussion of Zeldin ‘018 on page 4, lines 7-21. Specifically, describing the device of Zeldin ‘018 in the present application:

“[a]s the filaments exit the tubes and enter the tapered slot, they are randomly spread by the turbulent air flow that exists in the slot...[which] results in relatively randomly deposited filaments across the width of the web, with a high ratio of cross direction filament depositing to machine direction filament depositing.”

Claim 15 recites transporting spun filaments through reduced turbulence with minimal machine direction deflection. Regardless of the description provided in Zeldin '018 referred to in the rejection, Applicants assert that Zeldin '018 does not provide the process as recited in claim 15. Specifically, using the apparatus of Zeldin '018, “Lurgi tubes are still unable to be used for production of a relatively uniform web with a high machine direction orientation and low machine direction elongation.” Page 4, lines 19-21. Therefore, irrespective of the disclosure of Zeldin '018, Applicants have attempted to overcome remaining problems with the device of Zeldin '018 known by those skilled in the art. Because Zeldin '018 fails to disclose a process of transporting spun filaments through reduced turbulence with minimal machine direction deflection, claim 15 is not anticipated.

Notwithstanding, independent claim 15, from which claims 21 and 22 depend, has been amended to clarify and more specifically recite the process that the applicants are claiming. Specifically, claim 15 has been amended to recite said confined zone defined by a pair of opposing sideplates and a pair of opposing endplates attached to the ends of said sideplates, said sideplates substantially parallel to one another, said endplates substantially parallel to one

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another, said sideplates and said endplates substantially parallel to said filament transport tubes. As seen in Figure 1 of Zeldin '018, the deflector plates 18 and 20 are not substantially parallel to each other and are not parallel to the fiber transfer tube 12. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). As Zeldin '018 fails to teach each and every element recited in independent claim 15, the rejection is improper and thus, claim 15 is allowable.

Claim 18 has been cancelled and is no longer at issue. Claims 21 and 22 depend from and more specifically recite the process of independent claim 15. Therefore, as claim 15 is allowable, claims 21 and 22 are allowable.

35 U.S.C. § 103

Claims 15-19 and 21-23 stand rejected as being unpatentable over Zeldin '018 in view of Zeldin '239. As argued *supra*, Zeldin '018 does not disclose the process recited in claim 15. The rejection attempts to combine Zeldin '239 with Zeldin '018 to render claim 15 unpatentable. However, Zeldin '239 fails to disclose a plurality of filament transport tubes let alone having sideplates and endplates substantially parallel to the transport tubes as recited in claim 15. Even if Zeldin '018 were combinable with Zeldin '239, the combined device would not have the sideplates and endplates substantially parallel to the transport tubes. Zeldin '018 specifically teaches the fiber transport tube 12 at an angle relative to the deflector plates 18 and 20 as seen in

Figure 1. Therefore, if Zeldin '018 were combined with Zeldin '239, the resulting device and process would NOT have the sideplates and endplates substantially parallel to the transport tubes.

Claims 17 and 18 have been cancelled. Claims 16, 19 and 21-23 depend from and more specifically recite the process of claim 15. Therefore, as independent claim 15 is allowable, dependent claims 16, 19 and 21-23 are also allowable.

Claims 20 and 24 stand rejected as being unpatentable over Zeldin '018 in view of Zeldin '239 and further in view of Trimble. Claim 20 depends from and more specifically recites the process of independent claim 15. As argued above, Zeldin '018 alone or in combination with Zeldin '239 does not teach or suggest the process as recited in independent claim 15. Trimble adds nothing in this regard. For the same reasons presented above regarding the combination of Zeldin '018 with Zeldin '239, if Trimble were combined with Zeldin '239, the resulting device and process would NOT have the sideplates and endplates substantially parallel to the transport tubes. Furthermore, Trimble, at column 1, lines 50-63, teaches away from the use of filament transport tubes, such as Lurgi tubes. Trimble identifies many problems with the use of such transport tubes and instead adopts the use of a slot attenuator 17 as opposed to round transport tubes. Therefore, Trimble teaches away from the proposed combination with Zeldin '018. Therefore, the proposed combination of Zeldin '018, Zeldin '239 and Trimble is improper and thus, claim 20 is allowable.

Claim 24 recites a similar aspect, in combination with other features, to that discussed regarding claim 15. Specifically, a process of transporting filaments through said tapered

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transition member into a delivery slot, said delivery slot having sideplates and endplates substantially parallel to the transport tubes. For similar reasons to those presented above, Zeldin '018, Zeldin '239 and Trimble, each alone or in combination, fails to teach or suggest this process. Therefore, the rejection of claim 24 is improper and claim 24 is allowable.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration of the rejections and allowance of claims 15-16 and 19-24.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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